I affirm. Comparing rehab and retribution cannot take place in a vacuum. Valuation must be contextualized by the empirical and historical realities that the CJS exists in

Duff 08 Antony, "Theories of Criminal Law", The Stanford Encyclopedia of Philosophy (Fall 2008 Edition), Edward N. Zalta (ed.)

Philosophical theories of criminal law, whether analytical or normative, cannot subsist in isolation. They must have some regard to the empirical actualities of that which they theorise: to the histories of the different systems of criminal law, and to sociological inquiries into their actual operations. Some critical theorists believe that such historical or sociological inquiries will undercut the pretensions of philosophical theorising: that what needs analysing is not the superstructure or superficial self-presentation of the criminal law, on which philosophers tend to concentrate, but the social, political and economic realities lying beneath that surface; and that given the oppressive or conflictual nature of [the social, political and economic realities] those realities, philosophical theories cannot amount to anything more than doomed attempts to rationalise what is inherently irrational or a-rational (see Kelman 1981; Norrie 2001; also Law and Ideology). The only adequate reply to these critiques of philosophical theorising is to show how such theorising can assist both an understanding of what criminal law is, and the discussion of what it ought to be, by taking seriously the concepts in terms of which it presents itself: that is the task on which we embark in what follows. (Another way in which philosophical theories of criminal law cannot subsist in isolation is that they cannot be wholly separate from other branches of philosophy. They must draw, most obviously, on political philosophy, since they must depend on some conception of the proper aims of the state and of the proper relationship between a state and its citizens (see e.g. Pettit 1997, 2002; Duff 2001: chs 2-3; Dubber 2005; Dagger 2008). They must draw on moral philosophy, insofar as the criminal law properly aims to define types of moral wrong and to punish those who culpably commit them (see e.g. Moore 1997; Tadros 2005). They must draw on philosophy of action and on philosophy of mind, if they are to explicate ideas of wrongdoing and of fault that are appropriate to law's wrong-defining role (see e.g. Moore 1993; Green 2005; Gardner 2007).)

Justifications for actions are agent relative. Thus, all evaluative frameworks must take into account the agent relative nature of reason giving. The topic is question of which form of punishment should be adopted within the criminal justice system – it is not an abstract ethical dilemma. The aff standard is **minimizing racial domination in the CJS**. Prefer it since domination requires a separation between ourselves and those we dominate. We must see ourselves to be fundamentally different, otherwise, we would recognize and embrace the other. But, this connection with one another forms the basis of all normative claims

Donnelly, **Bebhinn 06** “The Epistemic Connection between Nature and Value in New and Traditional Natural Law Theory” Source: Law and Philosophy, Vol. 25, No. 1 (Jan., 2006), pp. 1-29Published

The invocation of 'alien' facts in a theory of human nature may seem strange but it is not so strange if the view is taken that **man is formed** in part**, by his relatedness to** these alien facts; if **other people** did not exist**, [without them he is]** I would mean something **very different.** The other people focused theory of individual human self, rather than reason's own principles, provided the basis for the early natural law equivalent to universalizability; **other people are already involved in what makes me, 'me'; given that being good means** being what I am as fully as possible, I am only good if I **act[ing], not on** the basis of **self-centeredness**, but, on the basis of communality therefore. Furthermore, **those conditions that make man, 'man' are undeniable** and indestructible **in moral theory because they constitute the subject of that theory; to destroy them is to destroy normativity.** Precisely the same analysis explains Kant's rejection of suicide; where the subject of morality is the human being suicide must be wrong for "to annihilate the subject of morality in one's own person is to root out the existence of morality itself from the world."27 In traditional natural law the subject of morality is of course, likewise, man, but that subject, pre-activity, was [who is] defined by more than mere life. Existence, communality, and reason together made man, 'man' and to deny any one was to annihilate the subject of morality and hence to deny morality any place in the world. For Kant a human being is bound to preserve his own life simply by virtue of his quality as a person. For natural law "quality as a person" is more than just life, it is life, communal life and reasonable life and the human being, being all three, is bound to preserve all three.

Absent the conditions that define man, i.e. the existence of all others in our moral sphere, the basis for normativity does not exist. Thus, any system that places value on action relies on avoiding the domination of others. **Moreover**, domination entails that some peoples’ moral views override others’ and position themselves as the moral arbitrators over their fellow humans. This destroys our ability to achieve the Good since domination removes the dominated from the moral conversation and thus their unique moral input is not accounted for, preventing our ability to come to moral truths. This precludes the NC since their framework is missing pieces.

Allowing racism destroys the foundation of ethics and comes before the NC. **Also,** today moral systems that don’t presume equality are untenable and false – racism is the definition of inequality. All moral systems have to take into account impacts to racism or they could not guide action, thus failing to achieve their function.

**Gosepath**, Stefan. “Equality.” The Stanford Encyclopedia of Philosophy (Spring 2011 Edition)**,** Edward N. Zalta (ed.). <http://plato.stanford.edu/archives/spr2011/entries/equality/>.

The principle of equal dignity and respect is now accepted as a minimum standard throughout mainstream Western culture. Some misunderstandings regarding moral equality need to be clarified. To say that men are equal is not to say they are identical. The postulate of equality implies that underneath apparent differences, certain recognizable entities or units exist that, by dint of being units, can be said to be ‘equal.’ (Thomson 1949, p. 4). Fundamental equality means that persons are alike in important relevant and specified respects alone, and not that they are all generally the same or can be treated in the same way (Nagel 1991). In a now commonly posed distinction, stemming from Dworkin (1977, p. 370), moral equality can be understood as prescribing treatment of persons as equals, i.e., with equal concern and respect, and not the often implausible principle of treating persons equally. This fundamental idea of equal respect for all persons and of the equal [moral] worth or equal dignity of all human beings (Vlastos 1962) is accepted as a minimal standard by all leading [for] schools of modern Western political and moral culture. Any political theory abandoning this notion of equality will not be found plausible today. In a period in which metaphysical, religious and traditional views have lost their general plausibility (Habermas 1983, p. 53, 1992, pp. 39-44), it appears impossible to peacefully reach a general agreement on common political aims without accepting that persons must be treated as equals. As a result, moral equality constitutes the ‘egalitarian plateau’ for all contemporary political theories (Kymlicka 1990, p.5). To recognize that human beings are all equally individual does not mean having to treat them uniformly in any respects other than those in which they clearly have a moral claim to be treated alike. Disputes arise, of course, concerning what these claims amount to and how they should be resolved. That is the crux of the problem to which I now turn.

Finally, events and patterns come to be through underlying social structures and power dynamics that determine outcomes in our world. Specific events can only come to be and be explained in terms of their historical basis – only offense that proves the historical basis and social context for racism as a transcendent power structure links to my framework. Only offense that coheres with a proper conception of ontology can link to either framework.

(Prof J **Mingers**, Warwick Business School, Warwvick University, The Contribution of Critical Realism as an Underpinning Philosophy for OR/MS and Systems, The Journal of the Operational Research Society, Vol. 51, No. 11 (Nov., 2000), pp.)

Bhaskar's 12 (p 23) starting point is to argue, specifically against empiricism and positivism, that scientific reality is not just constant conjunctions of observable events but about objects, entities and structures that exist (even though perhaps unobservable) and generate the events the we observe. The form of the argument is a transcendental (this follows a broadly Kantian interpretation of 'transcen- dental') one, that is it begins with some accepted happening or occurrence and asks what must the world be like for this to occur. In this case, what is accepted by both empiricism and many forms of idealism is that we do have perceptual experience of the world, and that science is carried out through experimental activity in which scientists bring about particular outcomes. The argument is that neither empiri- cism nor idealism can successfully explain these occur- rences and that they necessitate some form of realist ontology. With regard to perception, we can note that as human beings we have to learn (as babies) to perceive things and events; that our perceptions can change (eg visual illusions); and that scientists, for example, have to be trained to make observations correctly. These all imply that [since] there [are] must be a domain of events that are independent of our perceptions of them (what Bhaskar calls an intransitive domain). And, indeed, that these events would exist whether or not they were observed or there even were observers. There is thus a domain of actual events, only a (small) subset of which are perceived and become empirical experi- ences. That which is not experienced is not known but that does not mean to say that it does not exist. Moving on to experimental activity, we can note: that the experimenter causes (ie brings about) the experimental conditions but does not cause the results, these depend upon the causal laws that are operative; that the regularities that are expected may or may not occur depending on how well the experiment is carried out rather than on whether the presumed laws are or are not working; that in fact the occurrence of empirical regularities (ie constant conjunc- tions) in general is fairly rare that is why the experiment is necessary to try to bring them about, but that, despite this, results do in fact hold outside the experiment. The implications of this are that causal laws must be different from and independent of the patterns of events they generate, and that the experimenter aims to produce a constant conjunction of events by closing what would otherwise be an open system. Thus the intelligibility and success of experimental activity demonstrates the existence of an intransitive domain of casual laws separate from the events they generate, and the corrigibility of perception demonstrates the separation of events from particular experi- ences of them. The empiricist identification of causal laws with empirical regularities thus involves a double reduction -that of laws to events and events to experiences. The argument can be expressed in terms of the mistake that both empiricism and strong forms of idealism or conventionalism make-that is, the epistemic fallacy. The essential mistake is in reducing the ontological domain of existence to the epistemological domain of knowledge-statements about being are translated into ones about our (human) knowledge or experience of being. For the empiricist, that which cannot be experienced cannot be. For the conventionalist, limitations of our knowl- edge of being are taken to be limitations on being itself. In contrast, the realist asserts the primacy of ontology-the world would exist whether or not humans did. The argument so far establishes that given the existence of science there must be an intransitive world of events and causal laws, but what exactly are causal laws? Or, rather, what is it that causes or generates events given both the regularities that can be established in experiments, and the common absence of regularity outside? Equally, how can we assure ourselves that event regularities are based on necessary connections rather than simply coincidence? The answer is that there must be enduring [social] entities, physical (eg atoms or organisms), social (eg the market or the family) or conceptual 28 (eg categories or ideas), observable or not, that have powers or tendencies to act in particular ways. The continual operation and interaction of these entities generates (ie causes), but is independent of, the flux of events. Entities may have powers without exercising them at a particular time (it may need an experiment to trigger them), and powers may be exercised but not become manifest in events because of the countervailing operation of some other generative mechanism. The heart of this argument is that of a causal criterion for existence rather than a perceptual one. In other words, for an empiricist only that which can be perceived can exist, whereas for a realist having a causal effect on the world implies existence, regardless of perceptability. At this stage we should perhaps consider the strength of Bhaskar's argument. In essence, it is that for the practice of science to be intelligible there must be an intransitive domain of objects generating events. Could we not equally argue that for the practice of religion to be intelligible there must be a God? Clearly this argument does not hold what does is that the existence of religion implies a belief in God. What makes science different is the success of its results -the knowledge gained through experiments can be used outside the experimental setting and has had enormous effects. Science is certainly a causally effective generative mechanism. Even so, I would not want to maintain that the transcendental argument ultimately proves the truth of CR. As Bhaskar accepts, 'transcendental realism is fallible, as corrigible as the ouitcome of any other piece of hutman argument I.. .regard it as merely 'thie best account (at present) available"2 (p 170). Critical realism and natural science For Bhaskar, reality is both intransitive (existing indepen- dently of humans) and stratified"2 (p 41). The first form of stratification is between structures and mechanisms, the events that they generate, and the subset of events that are actually experienced. These are known as the domains of the real, the actual, and the empirical. The real contains mechanisms, events, and experiences, ie the whole of reality; the actual consists of events that do (or do not) occur and includes the empirical, those events that are observed or experienced. These distinctions arise from the transcendental arguments above-namely that we should not reduce all events to only those that are observed, and we should not reduce enduring causal mechanisms to events. A second form of stratification is within the realm of objects themselves' 12 (p 66) where causal powers at one level (eg chemical reactions) can be seen as generated by those of a lower level (atomic valency). One strata is emergent from another (what Bhaskar terms 'emergent powers material- ism'). The picture of the real is thus one of a complex interaction between dynamic, open, stratified systems, both material and non-material, where particular structures give rise to certain causal powers, tendencies, or ways of acting, often called by Bhaskar 'generative mechanisms'2 (p 170) (although the term 'mechanism' sounds like an object, in fact Bhaskar uses the term to refer to the powers or proper- ties of an object; for example, a plane has the generative mechanism of the power to fly). The interaction of these generative mechanisms, where one often counter- balances another, causes the presence or absence of actual events. Having established the intransitive objects of knowledge, we must recognize that the production of knowledge is very much the work of humans, and occurs in what we could call the transitive dimension4 (p 18). Acknowledging the work of sociologists, the practice of science is a social process drawing on existing theories, results, anomalies and conjec- tures (the transitive objects of knowledge) to generate improved knowledge of science's intransitive objects. This distinction allows us to admit the epistemic relativity of science, the fact that knowledge is always historically and socially located, without losing the ontological dimension. We should also note that such epistemic relativity does not imply a corresponding judgmental relativity, ie that all views are equally valid and that there are no rational grounds for choosing between them. We can now characterize the realist method of science as one of retroduction (this is the same as 'abduction' as developed by Peirce64 (p 113) in contrast to induction and deduction) where we take some unexplained phenomenon and propose hypothetical mechanisms that, if thev existed, would generate or cause that which is to be explained. So, we move from experiences in the empirical domain to possible structures in the real domain. This does not of itself prove that the mechanism exists, and we may have competing explanations, so the next step is to work towards eliminating some explanations and supporting others. Bhaskar summarizes this as: Description, Retroduc- tion, Elimination, and Identification' 14 (p 24) (DREI). He also considers a variant for applied science that may be more relevant to OR/MS (RRREI

I contend that a rehabilitative world in which felon disenfranchisment were abolished is preferable to a retributive world with them.

First is the historically racist intention to dominate blacks through felon disenfranchisement:

Disenfranchisement was instituted to replace slavery as a means of suppression. Removing the vote is the modern day Jim Crow.

**Taylor** [Constitutionally Unprotected: Prison Slavery, Felon Disenfranchisement, and the Criminal Exception to Citizenship Rights] http://www.law.gonzaga.edu/law-review/files/2012/04/Taylor-final.pdf

In this context, the constitutionally codified civil rights exception for the criminally convicted became an instruction on how to legally deprive blacks of their freedom and political rights for centuries to come. Modern prison slavery and [through] felon disenfranchisement are lingering remnants of post-Civil War laws that deliberately manipulated the criminal law for the purpose of relegating blacks to a constitutionally permissible state of second-class citizenship.18 Born of Southern efforts to reestablish white supremacy by depriving black Americans of their civil rights under the guise of criminal justice, these laws, and the criminal justice system as a whole, continue to disproportionately impact black people and other minority groups.19 These consequences illustrate the danger inherent in exempting—as the Thirteenth and Fourteenth Amendments do—whole categories of individuals from the constitutional protections most needed by marginalized minorities. The resulting policies expose the ease with which these exceptions have been, and continue to be, manipulated to undermine the purported national goals of freedom, equality, and democracy.

The Mississippi Supreme Court acknowledges its origin as a racist tool:

**Taylor 2** [Constitutionally Unprotected: Prison Slavery, Felon Disenfranchisement, and the Criminal Exception to Citizenship Rights] http://www.law.gonzaga.edu/law-review/files/2012/04/Taylor-final.pdf

Even the Mississippi Supreme Court acknowledged the motivation [of disenfranchisement] and effectiveness of this lawmaking technique in an 1896 decision discussing its recently enacted electoral laws: “[quote] It is in the highest degree improbable that there was not a consistent, controlling directing purpose governing the convention by which [for] these schemes were elaborated and fixed in the constitution. Within the field of permissible action under the limitations imposed by the federal constitution, the convention swept the circle of expedients to obstruct the exercise of the franchise by the negro race. By reason of its previous condition of servitude and dependence, this race [was] had acquired or accentuated certain peculiarities of habit, of temperament, and of character, which clearly distinguished it as a race from that of the whites, —a patient, docile people, but careless, landless, and migratory within narrow limits, without forethought, and its criminal members given rather to furtive offenses than to the robust crimes of the whites. Restrained by the federal constitution from discriminating against the negro race, the convention discriminated against its characteristics and the offenses to which [blacks] its weaker members were prone. A voter who should move out of his election precinct, though only to an adjoining farm, was declared ineligible until his new residence should have continued for a year. Payment of taxes for two years at or before a date fixed many months anterior to an election is another requirement, and one well calculated to disqualify the careless. Burglary, theft, arson, and obtaining money under false pretenses were declared to be disqualifications, while robbery and murder and other crimes in which violence was the principal ingredient were not.35 Though felon disenfranchisement was just one of many legal forms of political oppression employed in the South following Reconstruction,36 it has proven the most enduring and long lasting, largely due to its explicit constitutional endorsement.37 Empowered by the criminal exception to citizenship rights, Southern lawmakers were able to manipulate felon disenfranchisement as a means to legally and constitutionally prevent black people from exercising their political power.

This evidence is perfect on the issue of the social situations that lead to racism and the power structures that are currently in place – Taylor 2 cites a decision from the Mississippi Supreme Court stating that disenfranchisement was meant to subjugate black people.

Second is the status quo racist disenfranchisement policy:

Disenfranchisement currently redistricts, which disproportionately gives votes to white communities.

**Figler**. New York University Annual Survey of American Law. A Vote for Democracy: Confronting the Racial Aspects of Felon Disenfranchisement. 2006. Lexis. http://www.law.nyu.edu/ecm\_dlv1/groups/public/@nyu\_law\_website\_\_journals\_\_annual\_survey\_of\_american\_law/documents/documents/ecm\_pro\_064636.pdf

Another way in which felon disenfranchisement harms innocents people is through the process of redistricting. The Census Bureau counts prisoners as residents of the jurisdiction where they are incarcerated rather than of the jurisdictions in which [where] they resided before incarceration, and in many states, many prisons are located in largely white rural areas. 177 The effects of this “reallocation of population” are twofold. First, rural areas get a disproportionately large share of federal funds for roads, schools, and social services, while minority communities lose revenue as they lose people to the prison system. Second, white[s] rural areas are apportioned more legislative districts based on the prison population, even though these “phantom” residents cannot vote. The redistricting process increases the political power of white rural areas at the expense of urban minority communities.

Causes long-term inequality and exclusion since white areas are reapportioned with more votes to re-entrench racist policies, also means disenfranch is functionally not proportional, it affects communities as well as individuals.

Disenfranchisement re-entrenches power structures of dominance and inequality in society

**Galbraith**, Elizabeth John Kenneth Fellow March 2002 Justice Denied: How Felony Disenfranchisement Laws Undermine American Democracy, http://www.adaction.org/media/lizfullpaper.pdf

This mentality even affects our shifting notions of criminal behavior. As Marc Mauer points out, in the first half of the twentieth century, marijuana was highly criminalized when it was solely associated with ìthem,î meaning primarily black urban youth. But by the 1960s, when this criminal substance came to be common on the college campuses of white middleclass youth, the drug shed much of its criminal aura, for ìcriminalî by definition lies with ìthem,î not with ìus.î Subsequently a similar phenomenon occurred with the competing forms of cocaine: black urban crack cocaine is highly criminalized while white suburban powder cocaine carries much more [has] lenient penalties. According to New Yorkís Rockefeller drug laws, for instance, trafficking 500 grams of powder cocaine yields the same criminal penalty as trafficking only 5 grams of crack cocaine. liv And due to disenfranchisement laws, these discriminatory methods of criminalization directly impact the democratic functioning of our society as well. Creating [creates] a simplistic dichotomy of power by placing government officials vis- a-vis prison inmates, for example, illustrates the ease [that] with which the dualistic categories of empowered and disempowered translate into those of white and black. In rendering criminals voiceless in our democracy, felony disenfranchisement laws [cement[s] the inequitable distribution of power and justice along racial lines.

AND, the role of the ballot is to endorse the debater who best deconstructs these oppressive norms:

William **Spanos writes** [Professor of English at Binghamton University], The End of Education: Towards Posthumanism, 1993, p. 196.

In insisting that the theoretical practice of the oppositional intellectuals ought to be a local and regional struggle aimed at revealing and undermining power, Foucault, like the critical theorists of the Frankfurt School before him (Horkheimer, Adorno, and Marcuse) locates this struggle at the site of culture in general, where by means of the discursive practices that constitute it, power is “most invisible and insidious.” I want to suggest, by way of a specifying qualification based on a curious but telling historical oversight on the part of critical theorists of the post-Vietnam decade (who shifted the focus of critique from the economy of material production to the hegemonic economy of culture), that this struggle should be waged at the site of the educational institution in general and the university in particular. As I have suggested in focusing on the student revolt in the United States, in France, in Germany, and elsewhere in the West (and Japan) in the late 1960s, it is in the operations of education more than any other cultural apparatus elaborated by modern liberal bourgeois capitalist Western societies – more than in family, church, political system, information and entertainment media – that power is “most invisible and insidious.” It is the school, in other words, that employs what I have been calling “hegemonic discourse of deliverance” most effectively in disciplining the youth and reproducing the dominant sociopolitical order. While other ideological cultural apparatuses are situated in the material world and, as in the case of the media’s coverage of the revolutions in Eastern Europe or the American response to Iraq’s invasion of Kuwait, partake more or less visibly in its productive operations, the school is represented fundamentally as a separate and value-free space in which the pursuit of knowledge is undertaken for the benefit of all “mankind,” if not for knowledge’s own sake.

**AND**, reject oppressive ideologies within debate because we assume equal standing when we enter the round. Ethics founded on such exclusion fail to take into account legitimate perspectives and thus cannot achieve truth, in round oppession excludes individuals from the debate sphere, undermining the practice as a whole.

Thus, as an educator you have a pre-fiat obligation to teach students that they must not ingrain societal norms of discrimination and oppression. Since our activity believes in whatever wins rounds, the ballot gives you the power to shape the activities practices. Also, attempts to indict the AC’s framework for CJS recourse through theory are attempts to silence resistance to oppression – it is a strategy of the status quo to prevent real voices with legitimate complaints from behind heard. Theory ought to be rejected pre-fiat since the judge has an obligation to stop oppression. And, role of the ballot arguments precede theoretical objections since my role of the ballot claims dictate what you have the authority to vote on.

Finally, some theoretical interps. These arguments should be viewed as offensive interpretations that the neg has to yet to violate. If the neg gets up and reads an aims of punishment T interp or some other interpretation that is competitive with the aff interps then those arguments are merely counter interps to arguments in the AC. thus in order for them to be offensive they require a proactive RVI or reason that counter interps ensure a neg ballot. To be clear, we are initiating the theory debate in the AC, they are responding to it if they choose to violate.

1. The aff can implement a specific policy to value rehab over retribution.

“Ought” can only refer to action, even when used in the context of “ought to be.” **PRICHARD:**

Prichard, Harold. 1912. “Does Moral Philosophy Rest on a Mistake?” Mind 21:21-37. Gendered language modified. <http://www.ditext.com/prichard/mistake.html>

But this argument, if it is to restore the sense of obligation to act, must presuppose an intermediate link, viz., the further thesis that what is good ought to be. The necessity of this link is obvious. An "ought," if it is to be derived at all, can only be derived from another "ought." Moreover this link tacitly presupposes another, viz., that the apprehension that something good which is not an action ought to be involves just the feeling of imperativeness or obligation which is to be aroused by the thought of the action which will originate it. Otherwise the argument will not lead us to feel the obligation to produce it by the action. And, surely, both this link and its implication are false.[1](http://www.ditext.com/prichard/mistake.html#1) The word "ought" refers to actions and to actions alone. The proper language is never "So and so ought to be," but "I ought to do so and so." Even if we are sometimes moved to say that the world or something in it is not what it ought to be, what we really mean is that God or some human being has not made something what he [or she] ought to have made it. And it is merely stating another side of this fact to urge that we can only feel the imperativeness upon us of something which is in our power; for it is actions and actions alone which, directly at least, are in our power.

Emmons and Nutt define value:

Emmons and Nutt 95, David Emmons [Professor of Criminal Justice, Richard Stockton College, New Jersey], and Larry Nutt [Professor of Criminal Justice, Richard Stockton College], "Values education and the criminal justice curriculum", Journal of Criminal Justice Education, Volume 6, Issue 1, 1995.

Values express preferable goals or states. They offer standards for se- lecting worthwhile behavior and provide criteria for making policy. Indeed, they represent what is most critically at stake for human well-being. Values include moral standards of right and wrong but extend beyond those stan- dards to encompass broader considerations of what is desirable and undesirable. Privacy, freedom, equal opportunity, public order, honesty, free speech and other civil rights, rehabilitation, and community are all values. These and other values find expression in criminal justice policy and prac- tice as society struggles to cope with crime, injustice, and disorder. The methods that may be brought to bear on discussing and processing wrong- doers are themselves questionable; this is the central dilemma of criminal justice, especially in the United States, where means are often valued as ends in themselves.

The act of valuing rehab is not the same as the act of rehabbing – you can value applying to college without applying to college, the way my parents value applying to college is by telling me to apply, not by themselves applying. The act of doing rehab is a goal of ours, and there are necessary steps to doing that, our aff is the key step. Thus the resolution is a comparison of two worlds, a world where there are disenfranchisement laws and a world in which there are not.

The neg interp over limits the topic, by forcing the aff to prove util is the true aim of punishment. And it destroys fairness since the aff strat is 100% predictable, this enhances neg side bias because they can script a perfect prep out to the AC that makes the 1AR impossible because the aff will have to deal with all 7 minutes of the NC in the 1AR. Side bias is the strongest link to fairness since it definitionally means one side has a better chance of winning. I solve since the aff has flex in forming an advocacy outside of having to win util.

*Kills education for three reasons – first, the same debate happens every round where aff reads util and the neg dumps on the AC framework. Second, no need to substantively engage the topic because the round simplifies down to who is winning the framework debate. Third, no critical thinking skills because the neg and aff 1AR strategies are the same every round, no need for in round decision-making. Critical thinking is key to education because it is something we need to use everyday.*

Moreover, this justifies the aff defeninding removing a spcific policy because it forces the debate on a single policy action rather than the broad question of whether all retributive policies are justified.

A. given that the only way to explain what rehab is is removing retrib polices, whole res means I have to remove every policy, gives the neg too much ground b/c I have to be prepped to win a debate on every police change, and not all of them link to the ballot

B. kills my quality ground because it’s impossible to justify every policy under a framework and there are no solvency advocates, strongest internal link to fairness since absent ground there is no substantive way to access the ballot.

2. A topical aff is one that rejects a retributive policy that aims to be proportional that directly impedes rehab. Disenfranchisment is a policy currently justified through retribution, and it directly impedes rehab of criminals.

Jennifer Taylor Constitutionally Unprotected: Prison Slavery, Felon Disenfranchisement, and the Criminal Exception to Citizenship Rights http://www.law.gonzaga.edu/law-review/files/2012/04/Taylor-final.pdf

Ewing, of course, was not a case about the harshness of the punishment – there was agreement about the severity of imprisoning an individual for twenty-five years to life – but rather a case about the justifications harsh punishment. The linchpin of the decision is the principle that the Constitution “ does not mandate adoption of any one penological theory.” 94 Justice O’ Connor’ s opinion mentioned the four standard justifications that might inform a state’ s sentencing scheme [are]: rehabilitation, deterrence, incapacitation, and retribution.95 She located the justification for three-strikes laws in states’ determinations that “ individuals who have repeatedly engaged in serious or violent criminal behavior, and whose conduct has not been deterred by more conventional approaches to punishment, must be isolated from society in order to protect the public safety.” 96 In short, the legitimacy of such punishments stemmed from their furthering the goals of deterrence and incapacitation. With respect to retribution, while Justice O’ Connor’ s opinion paid lip service to the idea that grand theft was a serious offense, she quickly turned away from the gravity of the instant criminal behavior (Ewing had stolen three golf clubs worth about $1200) to reliance on his recidivism: he deserved a harsher punishment than would otherwise be authorized (or perhaps constitutionally permissible) because he had shown that he was “ simply incapable of conforming to the norms of society as established by its criminal law.” 97. . . . By contrast to imprisonment, however, disenfranchisement really can be [is] justified only under a retributive theory of criminal punishment. Neither rehabilitation nor deterrence plays any plausible role at all in justifying the disenfranchisement of former offenders. It is impossible to see how lifetime or extended post-incarceration disenfranchisement rehabs anyone; indeed, the very message of such exclusion is to suggest that [they] ex-offenders are beyond redemption.99 It is telling that the period when rehabilitation was a dominant goal of criminal punishment coincided with an era in which many states either abandoned or relaxed their disenfranchisement provisions because disenfranchisement was “ viewed as impeding rehab [to integrate offenders].” 100 Restoration of voting rights can help ex-offenders reintegrate into the community, a significant factor in avoiding future criminal behavior. 10

1. Removing an "anti-rehabilitative policy that impedes rehab" is pro-rehab. The phrasing of the resolution is relative, not absolute. I have to prove that some part of its collective institutions should value rehab more than it values retribution. As long as disenfranchisement is in the cjs and the removal of the policy is more rehab than it is retributive, it's topical.
2. Ground: if all rehab advocacies had to both actually rehabilitate and denounce retribution, the only topical advocacies would be drug courts and rehab programs. Kills aff ground since most topical policies in the CJS are not drug courts, and strongest internal link to education since the same rounds over and over leading to no unique education.
3. Disenfranch is currently intended to be proportional because A. most crimes have a life long impact on the victim so removing the vote aims to be a life long punishment. B. Murder and manslaughter remove people from the political sphere for the rest of what would have been their life C. intimate crimes such as rape and domestic violence affect citizens’ ability to confidently engage in the public sphere for the rest of their lives.

**And the aff gets RVI’s.**

A) The six minute 2NR – neg can always go for theory and substance screws the 2AR which has to cover both in three minutes.

B) Competing mutually exclusive interps – the neg can always run theory such as must spec actor or can’t spec actor, but I can’t do the same.